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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,167	03/26/2001	Sohail Baig Mohammed	MSFT-0309/150645.1	8166
41505	7590	12/20/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			ELISCA, PIERRE E	
		ART UNIT		PAPER NUMBER
		3621		

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/817,167	MOHAMMED ET AL. <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pierre E. Elisca	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 October 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-14,16-21,23-27,29-38,40-45,47-51,53-60,62-63,65-67, and 69-72 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**Continuation of Disposition of Claims:** Claims pending in the application are 1-3,5-14,16-21,23-27,29-38,40-45,47-51,53-60,62,63,65-67 and 69-72.

**DETAILED ACTION**

1. This Office action is in response to Applicant's Response filed on 10/14/2004.
2. Claims 1-3, 5-14, 16-21, 23-27, 29-38, 40-45, 47-51, 53-60, 62, 63, 65-67, and 69-72 are pending.
3. The rejection to claims 1-3, 5-14, 16-21, 23-27, 29-38, 40-45, 47-51, 53-60, 62, 63, 65-67, and 69-72 under 35 U.S.C. 102 (e) as being anticipated by Downs et al U.S. Pat. No. 6,574,609 as set forth in the Office action mailed on 6/29/2004 is maintained.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>©</sup> of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 5-14, 16-21, 23-27, 29-38, 40-45, 47-51, 53-60, 62, 63, 65-67, and 69-72 are rejected under 35 U.S.C. 102 (e) as being anticipated by Downs et al. (U.S. Pat. No. 6,574,609).

As per claims 1, 5-13, 49, 52-60, 62, 63, and 65-66 Downs discloses a right management in the secure digital content electronic distribution system that is

implemented through a set of functions distributed among the operating components of the system, comprising the steps of:

hosting, by the rendering application, a browser that is initiated by the rendering application, under the control of such rendering application, and viewed within the context of the rendering application ; causing , by the rendering application, the browser to navigate to a license server (see., abstract, specifically col 7, lines 22-64, col 66, lines 34-50, license 660, fig 6, and also see., col 66, lines 34-50, fig 6. Please note that the web browser 191 of Downs is capable of browsing and viewing context of the content data or application since a browser is to scan a database or a list of files, either for a particular item or for anything that seems to be of interest, see., content host site 111 and end user device 109, item);

allowing a user to communicate with the license server by way of the hosted browser to acquire the license (see., abstract, col 66, lines 22-67, fig 6);

receiving the license from the license server; and shutting down, by the hosting rendering application, the hosted browser upon receiving the license (see., col 66, lines 34-67, specifically wherein it is stated that signature of the license can be verified to determine if it is a valid license. If it is a valid license either the download is initiated, or the download request may be redirected (redirected or shutting down) to another content).

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As per claims 2, and 50 Downs discloses the claimed method of causing the browser to navigate to a license server based on information received by the rendering application from the DRM (see., abstract, col 1, lines 62-67, col 6, lines 59-67, col 7, lines 1-64).

As per claims 3, 51 Downs discloses the claimed method of receiving information necessary to acquire the license including a site identifier identifying a license server and causing the browser to navigate to the license server based on the site identifier (see., col 66, lines 27-64, col 65, lines 3-40).

As per claims 14, 16-21, 23, and 24, Downs discloses a right management in the secure digital content electronic distribution system that is implemented through a set of functions distributed among the operating components of the system, comprising the steps of:

hosting, by the rendering application, a browser; causing , by the rendering application, the browser to navigate to a license server (see., abstract, specifically col 7, lines 22-64, col 66, lines 34-50, license 660, fig 6);

attempt, by the DRM system, to silently acquire the license from a license server without the intervention of a user (see., abstract, col 66, lines 22-67, fig 6);

if the attempt to silently acquire the license fails, allowing a user to attempt to acquire the license from a license server by way of a browser hosted by the rendering application (see., col 66, lines 34-67, specifically wherein it is stated that signature of the license can be verified to determine if it is a valid license. If it is a valid license either

the download is initiated, or the download request may be redirected (redirected or attempt) to another content).

As per claims 25-27, 29-38, 40-45, 47, 48, 67; and 69-72 Downs discloses the claimed limitation of having operating thereon a rendering application for rendering digital content and a digital rights managements system for authorizing such rendering based on a corresponding digital license, the rendering application and the DRM system for effectuating acquisition of such license upon the rendering application requesting the DRM system for authorization for such rendering based on such license and upon the DRM system notifying the rendering application that such license is not available on the computing device, the rendering application hosting a browser and causing the browser to navigate to a license server to allow a user to communicate with the license server by way of the hosted browser to acquire the license, the rendering application shutting down the hosted browser upon receiving the license from the license server (see., abstract, specifically col 7, lines 22-64, col 66, lines 34-50, license 660, fig 6, col 66, lines 34-67, specifically wherein it is stated that signature of the license can be verified to determine if it is a valid license. If it is a valid license either the download is initiated, or the download request may be redirected (redirected or shutting down) to another content.

## RESPONSE TO ARGUMENTS

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5. Applicant's arguments filed on 10/14/2004 have been fully considered but they are not persuasive.

## REMARKS

6. In response to Applicant's arguments, Applicant argues that the Downs reference fails to disclose:

a. "the rendering application hosts a browser that is initiated by the rendering application, under the control of such rendering application, and viewed within the context of the rendering application". As indicated above, Downs discloses this assertion in the abstract, specifically col 7, lines 22-64, col 66, lines 34-50, license 660, fig 6, Applicant's newly added limitation is also disclosed in col 66, lines 34-50, fig 6.

Please note that the web browser 191 of Downs is capable of browsing and viewing context of the content data (148) or application (148) since a browser is to scan a database or a list of files, either for a particular item or for anything that seems to be of interest, see., fig 1D content host site 111 and end user device 109, item 191.

b. "**the browser to navigate to a license server**". Based upon foregoing rejection indicated above, it is believed that Downs discloses this limitation in the abstract, col 7, lines 22-64, specifically wherein said control and enforcement of content usage according to the conditions of purchase or license, such as permitted number of copies, number of plays, and the time interval or term the license may be valid. Applicant should note that with the proper licensing

**authorization the user (191) is capable of browsing or navigate to the licensor server 147 and to the content data 148, fig 1D.**

c. "acquiring a digital license that authorizes rendering of corresponding digital content".

As indicated above, Downs discloses this limitation see., col 7, lines 22-65, rights management in the secure digital content and licensing authorization.

### ***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

**Primary patent Examiner**

**December 15, 2004**